

1 HONORABLE BARBARA J. ROTHSTEIN
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON AT TACOMA
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10 JONG HAM, an individual,
11 Plaintiff,
12 v.
13 JPMORGAN CHASE BANK, N.A., a
14 Delaware corporation,
15 Defendant.

NO. 3:23-CV-05698-BJR

RENEWED STIPULATION AND ORDER
TO CONTINUE TRIAL AND RELATED
DATES

16 **STIPULATED MOTION**

17 Plaintiff Jong Ham (“Ham”) and Defendant JPMorgan Chase Bank, N.A. (“Chase”)
18 (collectively, the “Parties”) jointly request that the Court continue the trial and related dates
19 scheduled on the Order Setting Trial Dates and Related Dates, entered November 16, 2023 (Dkt.
20 No. 25).

21 On October 16, 2023, Defendant filed a Motion to Dismiss Plaintiff’s Complaint seeking
22 to dismiss all of Plaintiff’s claims (Dkt. No. 17).

23 On November 15, 2023, the parties filed a Joint Status Report and Discovery Plan (Dkt.
24 No. 23) setting forth proposed case scheduling deadlines based on the then-current case posture.
25 At the time the parties submitted the Joint Status Report and Discovery Plan, Defendant’s Motion
26 to Dismiss was still pending before this Court. At the time, the parties submitted the proposed case

1 deadlines to account for the time it would take for the Court to rule on Defendant's dispositive
 2 motion, but the parties did not definitely know when the Court would rule on the motion.

3 On November 16, 2023, the Court entered its Order Setting Trial Dates and Related Dates
 4 "after reviewing the joint status report and discovery plan submitted by the parties." The Court
 5 noted that the dates set therein would only be altered upon good cause shown.

6 On March 29, 2024, four months after the parties submitted their Joint Status Report and
 7 Discovery Plan, the Court entered its Order Granting in Part and Denying in Part Defendant's
 8 Motion to Dismiss ("Dismissal Order") (Dkt. No. 29) allowing Plaintiff's breach contract, breach
 9 of implied duty of good faith and fair dealing, negligence (with regard to Plaintiff's allegation that
 10 Defendant owed him a fiduciary duty as a Chase Private Client), and WPCA claims to proceed.

11 Defendant filed its Answer to the surviving claims on April 26, 2024 (Dkt. No. 30).

12 On May 8, 2024, less than two weeks after answering the complaint, Plaintiff served
 13 Defendant with Plaintiff's First Set of Interrogatories and Requests for Production ("Discovery
 14 Requests"). Defendant's discovery responses and document production were due June 7, 2024.

15 On May 28, 2024, Defendant requested an extension for Defendant's discovery responses.
 16 Defendant informed Plaintiff that it required the extension to complete the responses and obtain
 17 the necessary client verification. Defendant also asked if Plaintiff would agree to enter into a model
 18 Electronically Stored Information and Protective Order. Later that same day, Plaintiff agreed to
 19 Defendant's requested discovery extension and asked Defendant to circulate its proposed ESI
 20 order. The parties negotiated a draft Protective Order, which was filed on July 17, 2024.
 21 Defendants provided its written responses to Plaintiff's discovery on July 5, 2024, and is now
 22 about to engage in rolling document productions, which it has been diligently working to collect
 23 and review over the last several months, since discovery was first served.

24 The parties are cooperating in discovery and Defendant will shortly be producing
 25 documents to Plaintiffs following entry of the forthcoming protective order, which will be on
 26 going. Additionally, Chase's former counsel handling this matter, Per de Vise Jansen, left Chase's

1 law firm on July 9, 2024, handing over the matter to new counsel, Andrew DeCarlow, who
 2 substituted in. In light of this transition, Chase's new counsel has also required additional time to
 3 get up to speed on the case, which a comparatively brief extension of existing case deadlines would
 4 allow.

5 In light of the state of discovery, the parties' good faith cooperation and diligence to date,
 6 and Chase's change of counsel, the parties stipulated to a brief, two-month extension of existing
 7 case deadlines. However, on July 11, 2024, the Court entered a minute order (Dkt. No. 34) denying
 8 the parties' original stipulated motion to extend the case deadlines (Dkt. No. 33) and allowing the
 9 parties to file a new motion setting forth good cause for the extension request and explaining what
 10 actions the parties have taken since the Court's Dismissal Order to move the case forward.

11 As set forth above, good cause exists to extend the case deadlines. The parties propose to
 12 extend the deadlines by, at most, a matter of months. Until the Court ruled on Defendant's
 13 dispositive motion, the parties had no guidance as to which of Plaintiff's claims could proceed and
 14 could not engage in discovery or other case activity. Four months after the parties submitted their
 15 Joint Status Report, upon receiving the Court's March 29th Dismissal Order, the parties have made
 16 good faith efforts to move the case forward and are now actively engaged in discovery,
 17 notwithstanding Chase's change of counsel. The parties have worked to finalize the protective
 18 order and produce documents as diligently as possible. Defendant will begin document production
 19 soon on a rolling basis. The parties could not reasonably engage in discovery earlier than March
 20 29, 2024, without knowing which claims were active and, following finalization of the pleadings,
 21 Defendant has been engaged in collecting and reviewing responsive documents. In light of the
 22 good faith cooperation on both sides, and the current state of discovery notwithstanding that
 23 cooperation, the parties do not believe that the current case schedule is realistic.

24 Accordingly, good cause exists to modify the deadlines set forth in the Court's Order
 25 Setting Trial Dates and Related Dates.

The Parties certify that they have conferred and stipulate and agree that the trial and related dates should be continued as follows:

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
JURY TRIAL DATE	March 17, 2025	May 19, 2025
Deadline for joining additional parties	December 13, 2023	December 13, 2024
Deadline for filing amended pleadings	December 26, 2023	December 26, 2024
Reports from expert witness under FRCP 26(a)(2) due	August 19, 2024	December 20, 2024
Discovery completed by	September 18, 2024	Fact discovery close: November 20, 2024 Expert discovery close: January 20, 2025
All dispositive motions must be filed by	October 18, 2024	February 24, 2025
All motions <i>in limine</i> must be filed by	February 10, 2025	April 10, 2025
Joint Pretrial Statement	February 18, 2025	April 18, 2025
Pretrial conference	March 3, 2025	May 5, 2025
Length of Jury Trial	2–7 days	2–7 days

CONCLUSION

For the reasons stated above, the Parties respectfully request the Court enter the [Proposed] Order Continuing Trial and Related Dates submitted herewith.

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1 DATED this 18th day of July, 2024.

2 CAIRNCROSS & HEMPELMANN, P.S.
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4 /s/ Binah B. Yeung
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ORDER

Based on the Parties' foregoing Stipulated Motion, IT IS ORDERED that the Order Setting Trial Dates and Related Dates, filed November 16, 2023 (Dkt. 25) is modified as follows:

EVENT	DEADLINE
JURY TRIAL DATE	May 19, 2025
Deadline for joining additional parties	December 13, 2024
Deadline for filing amended pleadings	December 26, 2024
Reports from expert witness under FRCP 26(a)(2) due	December 20, 2024
Discovery completed by	Fact discovery close: November 20, 2024 Expert discovery close: January 20, 2025
All dispositive motions must be filed by	February 24, 2025
All motions <i>in limine</i> must be filed by	April 10, 2025
Joint Pretrial Statement	April 18, 2025
Pretrial conference	May 5, 2025
Length of Jury Trial	2-7 days

DATED: July 19, 2024.

Barbara Rothstein

Barbara Jacobs Rothstein
U.S. District Court Judge

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